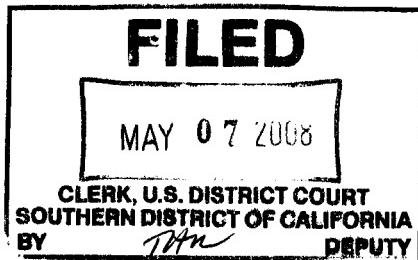


*MJ 8385*

5  
6 UNITED STATES DISTRICT COURT  
7 SOUTHERN DISTRICT OF CALIFORNIA

8  
9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 v.  
12 Roberto ALDERETE,  
13 Defendant.

'08 MJ 8385  
Magistrate Case No.:  
COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

14  
15 The undersigned complainant being duly sworn states:

16 That on or about May 6, 2008, within the Southern District of California,  
17 defendant Roberto ALDERETE did knowingly and intentionally import approximately  
18 52.30 kilograms (115.06 pounds) of marijuana a Schedule I Controlled Substance, into  
19 the United States from a place outside thereof, in violation of Title 21, United States  
20 Code, Sections 952 and 960.

21 The complainant states that this complaint is based on the attached Statement  
22 of Facts incorporated herein by reference.

23  
24   
Thomas Behm, Special Agent  
U.S. Immigration & Customs Enforcement

25  
26 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7TH,  
27 DAY OF MAY 2008.

28  
29   
ANTHONY J. BATTAGLIA  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 V.

3 Roberto ALDERETE

4 STATEMENT OF FACTS

5 This statement of facts is based on the reports, documents, and notes furnished  
6 to US Immigration and Customs Enforcement Special Agent (SA) Behm.

7 On May 6, 2008, at approximately 1610 hours, Roberto ALDERETE entered the  
8 United States at the Calexico, California, West Port of Entry. ALDERETE was the  
9 driver and sole occupant of a 1999 Ford Escort. Customs and Border Protection Officer  
10 (CBPO) H. Flores noticed that ALDERETE was reading a book as he inspected the  
11 trunk. CBPO Flores felt that ALDERETE was being too nonchalant. CBPO Flores  
12 referred the vehicle to the secondary lot for closer examination.

13 In the vehicle secondary lot, CBPO Barela preformed a canine inspection of the  
14 vehicle. The canine alerted to the dash board of the vehicle.

15 A subsequent inspection of the vehicle revealed several packages in the vehicles  
16 dash board, rear quarter panels and rear seat. One of the packages was probed by  
17 CBPO Flores and a sample of a green leafy substance was obtained, which field tested  
18 positive for marijuana. The packages had a combined net weight of approximately  
19 52.30 kilograms (115.06 pounds).

20 ALDERETE was placed under arrest. ICE SA Behm advised ALDERETE of his  
21 Constitutional Rights, which he acknowledged and waived, agreeing to answer  
22 questions. ALDERETE admitted knowledge of the marijuana and stated that he was to  
23 be paid \$1,200.00 to smuggle the marijuana into the US.

24 ALDERETE was booked into the Imperial County Jail pending his initial  
25 appearance before a U.S. Magistrate Judge.

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